

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GREEN RIVER STEEL CORPORATION	)	
	)	
Complainant	)	
	)	
v.	)	CASE NO. 10300
	)	
KENTUCKY UTILITIES COMPANY	)	
	)	
Defendant	)	

O R D E R

Before the Commission is a motion by Kentucky Utilities ("KU") to reschedule the hearing in this case from December 6, 1988 to January 11, 1989.

The facts upon which this motion is based are not in dispute. In response to KU's informational request of October 21, 1988, Green River Steel Corporation ("Green River Steel") agreed to permit KU personnel to inspect its steel mill at Owensboro, Kentucky. On October 27, 1988, before such an inspection was made, the mill's two large transformers, without which the mill's two electrical furnaces could not function, broke down. As a result, KU and Green River Steel agreed that any KU witness whose testimony was dependent upon an inspection of the mill's normal operations need not file his testimony with the Commission until the third day following such inspection.

As of date, the mill has yet to resume normal operations. Both electric furnaces will not be operational until mid-December

1988. One electric furnace, however, is now operating. As the other production processes at the mill are unaffected by the transformer breakdowns, the mill is again producing steel.

KU argues that an inspection of the mill during normal operations is essential to the preparation of the testimony of Richard H. Verdier and Ronald L. Willhite. As the mill will not resume normal operations until mid-December, KU asserts that such an inspection before the scheduled hearing is not possible and that the hearing, therefore, should be rescheduled. It also asserts that rescheduling the hearing is consistent with the intent of its agreement with Green River Steel.

Green River Steel has objected to KU's motion. While acknowledging that its agreement with KU allowed for some KU witnesses to delay the filing of their testimony, it asserts that neither party anticipated the length of time required to restore both electric furnaces to operation. The agreement, therefore, does not support KU's motion. Green River Steel also argues that KU has failed to show that an inspection during normal operations is essential to the preparation of Verdier's and Willhite's testimony. It notes that Verdier and Willhite have inspected the mill twice within the past month, once when one electric furnace was operational. Verdier and Willhite also have at their disposal Green River Steel's responses to a voluminous informational request. The need for another inspection, Green River Steel asserts, is doubtful.

In response to these objections, KU has submitted affidavits from Verdier and Willhite which state that an inspection of the

mill during normal operations is crucial to the preparation of their testimony.

The Commission believes that KU's motion to reschedule should be granted. An inspection of the mill during normal operations by Verdier and Willhite will assist in the full development of the record in this case. The delay caused by the rescheduling is minimal. No party will be prejudiced by the delay. Nowhere in its written objection does Green River Steel claim that it would be prejudiced if KU's motion were granted.

Our decision should not be regarded as indefinitely delaying the filing of Verdier's and Willhite's prepared testimony. Any request by KU for additional delays will be closely scrutinized and a full explanation will be sought.

KU has proposed that the hearing be rescheduled for January 11, 1989. As another case is already pending on the Commission's docket for that date, the hearing in this case should be rescheduled for January 12, 1989.

IT IS THEREFORE ORDERED that:

1. KU's motion to reschedule hearing be granted.
2. KU shall immediately notify the Commission when Verdier and Willhite have inspected the mill during its normal operations and shall, within 3 days of their inspection, file with the Commission their prepared testimony. Such testimony shall in no instance be filed later than January 3, 1989.
3. The hearing in this case previously scheduled for December 6, 1988, be rescheduled for January 12, 1989, at 9:00

a.m., Eastern Standard Time in the Commission's offices at Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 2nd day of December, 1988.

PUBLIC SERVICE COMMISSION

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Chairman

*Robert M. Davis*  
\_\_\_\_\_  
Vice Chairman

*Spencer N. Williams*  
\_\_\_\_\_  
Commissioner

ATTEST:

\_\_\_\_\_  
Executive Director